SAN FRANCISCO
**PLANNING DEPARTMENT**

# Letter of Determination

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
**415.558.6378**

Fax:
**415.558.6409**

Planning
Information:
**415.558.6377**

September 16, 2009

Sean Buckley
Buckley Real Estate Inc.
2277 Jerrold Avenue
San Francisco CA 94124

**RE: 5739 Mission Street**
**Block: 6473; Lot: 039**

Dear Mr. Buckley:

This letter is in response to your request for a letter of determination regarding the property at 5739 Mission Street. This parcel is located in the NC-2 (Small-Scale, Neighborhood Commercial) District and within a 40-X height and bulk district. Your request is a follow-up to an earlier letter of determination dated November 25, 2008 that was issued for the property. Included with your request is the legal description of an easement known as Cassandra Court that exists at the rear of the property. Your goal is to subdivide the subject lot into two lots; one lot with frontage on Mission Street and the other lot with frontage on Cassandra Court. Your question is whether Cassandra Court is considered a permanent right-of–way that meets the Code's frontage requirement.

Section 121(a) of the Planning Code requires that every newly created lot shall have frontage on a public street or alley, or on some other permanent right-of-way from which there shall be vehicular access to such lot, with a minimum width of 16-feet. The lot frontage on Mission Street complies with the frontage requirement because the frontage is greater than 16-feet in width and Mission Street is a public street. The proposed interior lot would have over 16-feet of frontage on Cassandra Court. Cassandra Court is not a public street or alley. However, according to its legal description Cassandra Court is a permanent easement that provides vehicular access to the rear of the subject lot. Because the subject property has legal access to the Cassandra Court easement the proposed interior lot would comply with the lot frontage requirement of Section 121(a) of the Planning Code.

Please note that there are many applicable Planning Code requirements that pertain to lot subdivision and that lot frontage is only one such requirement.

If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sean Buckley
Buckley Real Estate Inc.
2277 Jerrold Avenue
San Francisco CA 94124



Sincerely,

Lawrence B. Badiner
Zoning Administrator

cc: Michael Smith, Planner

*G:\WORD\Determination Letters\5739 Mission St..doc*